

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JOSHUA OTWELL
and DANNA LEE OTWELL,

Plaintiffs,

vs.

HOME POINT FINANCIAL CORP.,

Defendant.

Case No. 4:19-cv-01120-ACA

HOME POINT FINANCIAL'S PRETRIAL EXHIBIT LIST

COMES NOW, Home Point Financial Corporation ("Home Point"), and files this Exhibit List for the trial scheduled to begin on August 23, 2021, stating as follows:

Home Point may use the following exhibits at trial:

1. Deed for 525 Fern Creek Drive, Springville, AL, dated January 28, 2015, to Joshua and Danna Lee Otwell.
2. Promissory Note dated January 28, 2015, signed by Joshua Otwell in favor of SouthPoint Bank in the amount of \$235,554.00 (the "Note").
3. Allonge to the Note, executed by SouthPoint Bank in favor of Stonegatge Mortgage Corporation, its successors and/or assigns.

4. Mortgage executed by Joshua and Danna Otwell in favor of Mortgage Electronic Registration Systems, Inc. (“MERS”), as nominee for SouthPoint Bank, its successors and assigns, recorded on February 6, 2015, in Book 2015, Page 3480, Office of the Judge of Probate for St. Clair County, Alabama.

5. Assignment of Mortgage from MERS to Stonegate Mortgage Corporation, executed August 11, 2016, recorded on August 23, 2016, in Book 2016, Page 30477, Office of the Judge of Probate for St. Clair County, Alabama.

6. Stonegate Mortgage Corporation Purchase Advice for the subject loan.

7. Stonegate Mortgage Corporation “Prior to Purchase Conditions” sheet for the subject loan.

8. Mortgage Statement from Stonegate Mortgage Corporation to Joshua Otwell, dated March 3, 2015.

9. Notice of Servicing Transfer from Southpoint Bank to Stonegate Mortgage Corporation.

10. Foreclosure Deed in favor of Stonegate Mortgage Corporation, dated January 24, 2017.

11. Announcement of Home Point’s acquisition of Stonegate Mortgage Corporation.

12. Letter (along with the related signed acceptance by Joshua Otwell) from Home Point to Joshua Otwell, dated August 24, 2018, offering a Trial Payment Plan.

13. Letter (along with the related loan modification documents) dated December 14, 2018, from Home Point (prepared by Ruth Ruhl, P.C.) to Joshua and Danna Otwell, containing a cover letter with instructions and due date and FHA Partial Claim documents (“Loan Modification Package”).

14. FedEx Proof of Delivery of Loan Modification Package

15. Notice of Default from Home Point to the Otwells, dated February 21, 2019.

16. Notice Pursuant to Fair Debt Collection Practices Act, sent by Rubin Lublin, LLC, and dated April 15, 2019, addressed separately to Joshua Otwell and Danna Lee Otwell.

17. Notice of Acceleration and Foreclosure, along with the enclosed Notice of Sale Under Power, sent by Rubin Lublin, LLC, and dated April 15, 2019, addressed separately to Joshua Otwell and Danna Lee Otwell.

18. Letter from Joshua and Danna Otwell to Rubin Lublin, LLC, dated April 25, 2019.

19. Letter from Rubin Lublin, LLC to Joshua Otwell, dated June 7, 2019, in response to the April 25, 2019, letter referenced above.

20. Letter from Rubin Lublin, LLC to Danna Lee Orwell, dated June 7, 2019, in response to the April 25, 2019, letter referenced above.
21. Otwell Loan Account History
22. Home Point's servicing notes and memos for the Otwell loan.
23. Affidavit of Joshua Otwell, filed at [Doc. 32-1].
24. Affidavit of Danna Lee Otwell, filed at [Doc. 32-10].
25. Affidavit of Joshua Otwell, filed at [Doc. 48-1].
26. Affidavit of Danna Lee Otwell, filed at [Doc. 48-2].
27. Mortgage Statements from Stonegate Mortgage Corporation and Home Point.
28. Pleadings and other documents of record from the case of *Stonegate v. Otwell*, 59-CV-2017-900070.
29. Full case file, as located on AlaCourt, for the case of *Alabama v. Joshua Otwell*, No. DC-2005-001234.00 (Shelby County District Court).
30. Full case file, as located on AlaCourt, for the case of *Cach, LLC v. Josh Otwell*, Nos. CV-2020- 900004 and CV-2021-000002.00 (St. Clair County Circuit Court), and related cases.
31. Full case file, as located on AlaCourt, for the case of *Republic Finance v. Josh Otwell*, No. CV-2016-900114.00 (St. Clair County Circuit Court).

32. Full case file, as located on AlaCourt, for the case of *Discover Bank v. Josh Otwell*, No. SM-2017-900258 (St. Clair County District Court).

33. Full case file, as located on AlaCourt, for the case of *Midland Funding, LLC v. Josh Otwell*, No. SM-2018-900004.00 (St. Clair County District Court).

34. Any document or exhibit needed for rebuttal or impeachment.

35. Any document or exhibit listed, referred to, or offered by any party.

36. All pleadings and other documents of record.

37. All discovery requests, disclosures, or responses may be utilized.

Respectfully submitted on July 6, 2021.

s/ Timothy P. Pittman

Timothy P. Pittman (ASB-0075-I51P)

Bret J. Chaness (*pro hac vice*)

RUBIN LUBLIN, LLC

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CERTIFICATE OF SERVICE

I, Timothy P. Pittman, certify that on July 6, 2021, a true and correct copy of the foregoing was served upon all parties as follows:

John G. Watts
M. Stan Herring
Watts & Herring, LLC
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stan@wattsherring.com

via CM/ECF email

s/ Timothy P. Pittman
Timothy P. Pittman (ASB-0075-I51P)